

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

NATIONAL INDOOR FOOTBALL LEAGUE L.L.C.,	:	CIVIL DIVISION
Plaintiff	:	NO. CA 2 - 548
v.	:	TYPE OF PLEADING:
	:	Witness List and List of Exhibits
R.P.C. EMPLOYER SERVICES, INC.,	:	
and DAN J. D'ALIO,	:	
Defendants.	:	

WITNESS LIST AND LIST OF EXHIBITS

AND NOW, comes the Plaintiff, NATIONAL INDOOR FOOTBALL LEAGUE, L.L.C., by and through its attorneys, Leventry, Haschak, & Rodkey, LLC, and files the foregoing Witness List and Exhibits List and in support thereof states as follows:

WITNESS LIST

At trial, the Plaintiff may call any or all of the following witnesses to testify at trial:

1. Carolyn Shiver, President
National Indoor Football League
600 Loire Avenue
Lafayette, LA 70507
2. Martin Herf
Ohio Bureau of Workers' Compensation
30 West Spring Street
Columbus, OH 43215-2256
3. Rex Blateri
Ohio Bureau of Workers' Compensation
30 West Spring Street
Columbus, OH 43215-2256

4. Tom Sico, Esq.
Ohio Bureau of Workers' Compensation
30 West Spring Street
Columbus, OH 43215-2256

5. Business Manager from Each Team

Billings Outlaws
303 North Broadway, Suite 616
Billings, MT 59101

Johnstown J Dogs
326 Napoleon Street
Johnstown, PA 15901

Bayou Beast
600 Loire Avenue
Lafayette, LA 70507

Alexandria Rangers
5600 Coliseum Road
Alexandria, LA 71303

Lake Charles Land Sharks
P.O. Box 1943
Lake Charles, LA 70601

Mississippi Firedogs
P.O. Box 8015
Biloxi, MS 39535

Mobile Seagalls
3250 Airport Boulevard
Mobile, AL 36606

Rapid City Reddogs
201 Main, Suite G
Rapid City, SD 57701

Sioux City Bandits
401 Gordon Drive
P.O. Box 3183
Sioux City, IA 51104

Sioux Falls Storm
1910 South Minnesota
Sioux Falls, SD 57105

Southern Oregon Heat
33 North Central Ave., Suite 332
Medford, OR 97501

Diesel Football Business Office
609 Platte Road
Kearney, NE 68845

Casper Professional Football, LLC
Wyoming Cavalry
800 Werner Ct, Suite 125
Casper, WY 82601

6. Daniel J. D'Alio, President
RPC Employer Services, Inc.
P.O. Box 350
Beaver Falls, PA 15010
7. All Injured NIFL Players
Please see the above addresses for each team for these players.
Each Players' name is listed on Plaintiffs' Exhibit 30
8. Jerelyn Pasternack
PRM, Inc.
P.O. Box 1049
Youngstown, Ohio 44501
9. All Physicians and Medical Providers identified in the medical records provided to
the Defendants

EXHIBITS LIST

The Plaintiffs may present any or all of the following Exhibits at Trial:

- P-1 EmployShare Proposal ("Proposal") issued October 28, 2000 to National Indoor Football League, Inc. ("League")
- P-2 The National Indoor Football League's November 3, 2000 Meeting Agenda.

- P-3 December 29, 2000 correspondence from Carolyn Shriver and the League to Daniel D'Alio and RPC.
- P-4 March 16, 2001 email correspondence from Daniel D'Alio to Tina also cc: to Maureen Ciarolla.
- P-5 Undated correspondence from Maureen Ciarolla to Carolyn Shiver and the NIFL.
- P-6 Application for Coverage form of the OBWC dated March 17, 2001.
- P-7 Official Check from the NIFL to OBWC dated March 22, 2001.
- P-8 Certificate of Premium Payment from the OBWC dated March 30, 2001 thru May 14, 2001 entitling the NIFL to rights in The Ohio Bureau of Workers' Compensation Fund.
- P-9 Certificate of Premium Payment from the OBWC dated March 30, 2001 thru August 31, 2001.
- P-10 Certified Mail/Facsimile from Daniel D'Alio to the NIFL and Carolyn Shiver terminating the April 13, 2001 agreement.
- P-11 April 18, 2001 fax from Maureen Ciarolla to Carolyn Shiver requesting address of NIFL.
- P-12 April 17, 2001 correspondence from Carolyn Shiver to Daniel D'Alio.
- P-13 June 4, 2001 correspondence from Tom Sico of the OBWC to Carolyn Shiver.
- P-14 Blank copy of form C-110 of the OBWC.
- P-15 April 9, 2001 email correspondence from Jean Krum to Kay Goodman and subsequent emails attached.
- P-16 September 20, 2001 correspondence from Sharon Price of the OBWC to the NIFL
- P-17 September 5, 1996 Interstate Jurisdiction General Rule for the OBWC signed by Michael Travis, Director of Legal Operations of the Ohio Bureau of Workers' Compensation.
- P-18 Service Agreement between RPC the League dated March 20, 2001.
- P-19 April 13, 2001 correspondence from Maureen A. Ciarolla of RPC to Carolyn Shiver and the NIFL.

- P-20 April 18, 2001 correspondence from Bernard C. Caputo, representing RPC to Carolyn Shiver and the NIFL.
- P-21 April 17, 2001 correspondence from Carolyn Shiver and the NIFL to Daniel D'Alio and RPC.
- P-22 Undated letter from Daniel D'Alio of RPC to Carolyn Shiver and the NIFL terminating agreement.
- P-23 List of workers' compensation fees, management and other fees paid by League teams to RPC.
- P-24 New Employee Packet prepared by RPC.
- P-25 List of injuries sustained by member teams as of June 2001 that includes the names of individual players, their respective injuries and the associated costs of treatment for said injuries.
- P-26 Documentation of workers' compensation claims on behalf of the participating League teams totaling in the amount of \$642,385.56.
- P-27 Request for Proposal for PEO Services provided by StaffMarket.
- P-28 Pre-June 7, 2001 lists of injuries and respective costs for participating League teams.
- P-29 Post-June 7, 2001 lists of injuries and respective costs for participating League teams.
- P-30 Documentation of workers' compensation claim reports for participating League teams.
- P-31 NIFL Players' Contracts (An example is attached hereto).
- P-32 NIFL Players' Completed C-110 Forms (An example is attached hereto; all forms are identical except for the player's name and identifying information).
- P-33 Information on the P.O. Box and Bank Accounts established in Ohio by the NIFL.
- P-34 NIFL Ohio Agent Registration Form
- P-35 2001 NIFL Season Schedule
- P-36 March 15, 2001 Memo to the League asking for the completion of form C-110's

- P-37 Ohio BWC Invoices Directed to the League
- P-38 NIFL February 2001 Meeting Minutes
- P-39 Team Participation Agreements (An example is attached hereto; all Agreements are identical except for the identifying information of each team).
- P-40 All NIFL Player Medical Records, Medical Provider Invoices and Signed Certifications that comply with Rules of Evidence 803(6) and 902(11). The Medical Records, Invoices and Certifications previously have been forwarded to the Defendants. An example of the Medical Records and Certifications is attached hereto.

Respectfully submitted,

Date: 3-13-06

s/Timothy C. Leventry

Timothy C. Leventry, L.L.M.
Attorney for Plaintiff
PA I.D. No. 34980
1397 Eisenhower Boulevard
Richland Square III, Suite 202
Johnstown, Pennsylvania 15904
(814) 266-1799

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LEAGUE L.L.C.,**

Plaintiff

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**R.P.C. EMPLOYER SERVICES, INC.,
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CIVIL DIVISION

NO. CA 2 - 548

TYPE OF PLEADING:

Witness List and List of Exhibits

CERTIFICATION

I, Timothy C. Leventry, do hereby certify that a true and correct copy of the foregoing National Indoor Football League's Witness List and List of Exhibits was served on the individuals listed below by **Regular 1st Class U.S. Mail:**

Michael J. Seymour, Esq.
FECZKO AND SEYMOUR
520 Grant Building
310 Grant Street
Pittsburgh, PA 15219

The Honorable Terrence F. McVerry
U.S. Post Office & Courthouse
Seventh Avenue & Grant St.
10th Floor, Room 1008
Pittsburgh, PA 15219

Bernard C. Caputo, Esq.
Fort Pitt Commons Building, Suite 260
445 Fort Pitt Boulevard
Pittsburgh, Pennsylvania 15219

**LEVENTRY, HASCHAK,
RODKEY & KLEMENTIK, LLC**

Dated: 3-13-06

By: s/Timothy C. Leventry
Timothy C. Leventry, LL.M

